



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-29: Waiver of Operation Application

### What is this form?

This form is the means by which a licensee may request that the Alcoholic Beverage Control (ABC) Board waive the operating requirement of AS 04.11.330(a)(3) or (d). If a recreational site license has not been operated at least once in a calendar year, or if a license of any other type has not been operated for at least 240 hours in a calendar year, then a complete copy of this form and the corresponding fees must be submitted for that calendar year, per 3 AAC 304.170.

This application must be accompanied by a non-refundable waiver application fee of: **(4,000)**

- for a 1<sup>st</sup> request, an amount equal to  $\frac{1}{2}$  the applicable biennial license fee; or
- for a 2<sup>nd</sup> or subsequent request, double the amount of the fee paid for the previous waiver application.

The ABC Board will determine whether, through no fault of the licensee or because the premises are under construction, the licensed premises could not be operated for the required time during the calendar year. The ABC Board may impose conditions along with the approval of an application for waiver, and it may deny a third or subsequent application for waiver. If an application for waiver is denied, an application for license renewal for the succeeding license period will be denied by the Board. In addition to the waiver application fee, the applicant must pay a late fee of \$1,000 for an application that is received too late for Board consideration at its meeting before November 30 of the year for which the waiver is requested. Please check AMCO's website for meeting agenda deadlines.

Please note that a licensee must submit a separate completed copy of this form and pay a separate corresponding fee for each license and for each calendar year during which a license was not operated in compliance with AS 04.11.330.

### Section 1 – Establishment Information

Enter information for the license that has not been operated for the time required under AS 04.11.330.

Licensee:	Slagle, LLC	License Number:	80		
License Type:	Package Store				
DBA:	Alaska Fish House Wine & Spirits <b>es</b>				
Premises Address:	3 Salmon Landing				
City:	Ketchikan	State:	Alaska	ZIP:	99901
Local Governing Body:	City of Ketchikan				

### Section 2 – Request Number and Calendar Year

☐ 1<sup>st</sup> Request      ☐ 2<sup>nd</sup> Request      ☒ 3<sup>rd</sup> Request      ☐ Other \_\_\_\_\_

Request for Calendar Year 2018



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-29: Waiver of Operation Application

### Section 3 – Reason for Non-operation

Provide an explanation as to why the licensed premises were not operated:

Please see narrative attached as Exhibit 1 and supporting documents attached as Exhibits 2 & 3.

### Section 4 – Certifications

The following must be completed for establishments located within the boundaries of a local governing body:

Read the line below, and then sign your initials in the box to the right of the statement:

Initials

I certify that I will provide a true copy of this application to the local governing body listed on Page 1 of this form prior to ABC Board consideration of this application.



As a liquor licensee, I declare under penalty of perjury that this form, including all attachments, is true, correct, and complete.  
Slagle, LLC

By:   
Signature of licensee

Charles F. Slagle, Sole Member

Printed name of licensee

*State of Alaska*  
**NOTARY PUBLIC**  
**John W. Peterson**

My Commission Expires Nov 27, 2020

  
Notary Public in and for the State of Alaska.

My commission expires: 11/27/2020

Subscribed and sworn to before me this 27<sup>th</sup> day of November, 2018.

#### Office Use Only

Waiver Application Fee:

Late Fee:

Transaction #:

980445



Form AB-29: Waiver of Operation Application  
Section 3 - Reason for Non-operation

Prior waiver requests and other communications with ABC staff will reflect that Slagle LLC, owner of package store License No. 80 (Alaska Fish House Wine & Spirits), has struggled to find a way to operate that license in coordination with the company's beverage dispensary, License No. 75 (Alaska Fish House).

In March 2018, after discussions w/ staff, we applied to "co-locate" the premises for package License No. 80 within the licensed premises for the Alaska Fish House beverage dispensary, License No. 75. At the Board's 4/3/18 meeting, it approved our two applications to modify the licensed premises for these licenses to allow co-located operation of package store license No. 80. This provides a good, practicable solution of the problem that is acceptable for all concerned.

Unfortunately, ABC implementation of the Board's approval got hung up as reflected in our e-mail exchange with ABC staff, hard copy of which is attached as Exhibit 2. The applications as approved were inadvertently stranded on the desk of an ABC staff person rather than being forwarded to other staff for processing and distribution. When we inquired about these licenses on August 7, staff advised of this status on August 16 and picked up the process where it had been left off. E.g., that same date, ABC staff advised that the applications had been sent out for local government review and that upon such approval, they would be forwarded for review by ABC Enforcement and the ABC Director.

On 9/18/18, Director McConnell signed the two AB-14 forms, approving the revised Premises Diagrams. ABC staff e-mailed the two approved forms to Chuck Slagle on 9/21. One of the forms (No. 80) came through on the first try. The other was blank, but then sent to Mr. Slagle and counsel for Slagle LLC on 9/26/18. This is reflected in the e-mail attached as Exhibit 3.

However, Slagle LLC operates the Alaska Fish House seasonally, during the summer cruise season in Ketchikan. The approved premises diagrams were received around the time the summer cruise season in Ketchikan was concluding. After Sept. 21, there were only six additional days when full size ships called in Ketchikan, and after Sept. 26, when the last approval was received, only four days with port calls remained. The last day that Slagle LLC had the Alaska Fish House open for food/beverage service was on or around Sept. 28, after which it shut down for the winter.

The approval implemented in 2018 for co-location of package store Licensee No. 80 within the Alaska Fish House beverage dispensary provides the workable scenario that Slagle LLC has been seeking for operating this package store license, and when the Alaska Fish House opens for the 2019 cruise season in late April/early May of 2019, it will be with package store License No. 80 operating in the co-located configuration. However, approval of the change wasn't implemented until almost the end of the 2018 cruise season, and the Alaska Fish House went into winter shutdown much less than 30 days after approval of the changed premises was received.

Slagle LLC respectfully submits that these circumstances demonstrate that, through no fault of the licensee, package store License No. 80 could not be operated for the required time during 2018. Therefore, this third and final waiver of the annual operating requirement for this package store license is requested.

## John Peterson

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**From:** Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>  
**Sent:** Thursday, August 16, 2018 1:06 PM  
**To:** John Peterson  
**Cc:** Alcohol Licensing, CED ABC (CED sponsored); Oates, Sarah D (CED)  
**Subject:** RE: Pkge Store Lic. No. 80: Slagle, LLC dba Alaska Fish House Wine & Spirits; Bev. Dispensary License No. 75: Slagle, LLC dba Alaska Fish House

Hello,

Regarding the AB-14 Diagrams for Licenses 75 and 80, they are currently out for local government review to the City of Ketchikan on August 8, 2018. Once our office receives the Local Government approval and Enforcement and Director review has been finalized Mr Slagle will be contacted.

If you have further questions in regards to this matter do not hesitate to ask.

Thank You

Mikal Milton

Occupational Licensing Examiner  
Alcohol and Marijuana Control Office  
Department of Commerce, Community and Economic Development

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**From:** John Peterson <jpeterson@kpunet.net>  
**Sent:** Thursday, August 16, 2018 12:21 PM  
**To:** Oates, Sarah D (CED) <sarah.oates@alaska.gov>  
**Cc:** Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>  
**Subject:** RE: Pkge Store Lic. No. 80: Slagle, LLC dba Alaska Fish House Wine & Spirits; Bev. Dispensary License No. 75: Slagle, LLC dba Alaska Fish House

Sarah et al., No problem, thanks very much for your reply. Coincidentally, I just sent a follow-up Q on our unrelated grocery store P&S scenario.

I apologize for loading up your in-box, but we're close to finalizing that P&S Agmt and hung up on whether we can rely on failure to have recorded the anticipated deed at closing to, in effect, rescind the application – particularly if we don't know that until after the Board has approved the transfer...

Thanks for all your efforts, John Peterson

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**From:** Oates, Sarah D (CED) [<mailto:sarah.oates@alaska.gov>]  
**Sent:** Thursday, August 16, 2018 12:02 PM  
**To:** John Peterson  
**Cc:** Alcohol Licensing, CED ABC (CED sponsored); 'Chuck Slagle'  
**Subject:** RE: Pkge Store Lic. No. 80: Slagle, LLC dba Alaska Fish House Wine & Spirits; Bev. Dispensary License No. 75: Slagle, LLC dba Alaska Fish House

Good morning, Mr. Peterson:

AMCO

NOV 28 2018



I apologize for not responding more promptly – I have been extremely busy preparing for, and participating in, this week's board meetings.

I must confess that I inadvertently kept these applications on my desk without forwarding them to other staff for processing and distribution. This did not come to my attention until we received your email on the 7<sup>th</sup>, after which I immediately asked my staff to forward the documents where appropriate.

Examiner Mikal Milton will provide you with updates regarding your documents.

I am very sorry for the delay – this is completely my fault, and I greatly hope that this has not negatively impacted Mr. Slagle.

I will be out of the office and unable to respond until the week of the 27<sup>th</sup>. Please feel free to contact my staff at the alcohol licensing email for updates during my absence.

Best,  
Sarah

### Sarah Daulton Oates

Program Coordinator  
Alcohol & Marijuana Control Office  
Phone: 907.269.0350  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)



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**From:** John Peterson <[jpeterson@kpunet.net](mailto:jpeterson@kpunet.net)>  
**Sent:** Tuesday, August 07, 2018 4:00 PM  
**To:** Oates, Sarah D (CED) <[sarah.oates@alaska.gov](mailto:sarah.oates@alaska.gov)>  
**Cc:** Alcohol Licensing, CED ABC (CED sponsored) <[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)>; 'Chuck Slagle' <[ChuckS@baranof.net](mailto:ChuckS@baranof.net)>  
**Subject:** RE: Pkge Store Lic. No. 80: Slagle, LLC dba Alaska Fish House Wine & Spirits; Bev. Dispensary License No. 75: Slagle, LLC dba Alaska Fish House

Sarah et al.,

This is in follow-up to my e-mail below, sent on April 3, re off-site warehouse storage permits for the second floor of the building where the referenced Bev. Dispensary and Package Store licenses operate. (The storage area is in the same building, but there are exterior stairs to go between licensed premises on the ground floor and the storage area on the second floor.)

My April 3 e-mail had unsigned versions of the warehouse permit apps. attached and I noted that Chuck Slagle took the signed apps to the AMCO offices on April 3. The offices were closed due to the meeting in Nome, but he put the signed apps under the door in an envelope.

AMCO

NOV 28 2018

Chuck and I hadn't talked in some time. When we spoke recently, this subject came up and we realized that we either haven't received a response or, if a response arrived by mail at Slagle LLC, it may not have been recognized for what it is.

Could we ask that AMCO staff check and let us know what you can find regarding the status of these applications? If it'll help, I can re-send my 4/3/18 e-mail, including the attachments.

Thanks very much for your help.

John Peterson

Ziegler Law Firm  
307 Bawden Street  
Ketchikan, Alaska 99901

Desk (907) 225-9408  
Fax (907) 225-5513

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**From:** John Peterson [<mailto:jpeterson@kpunet.net>]  
**Sent:** Tuesday, April 03, 2018 1:45 PM  
**To:** 'Oates, Sarah D (CED)'  
**Cc:** 'Alcohol Licensing, CED ABC (CED sponsored)'; 'Chuck Slagle'  
**Subject:** RE: Pkge Store Lic. No. 80: Slagle, LLC dba Alaska Fish House Wine & Spirits; Bev. Dispensary License No. 75: Slagle, LLC dba Alaska Fish House

Sarah et al., This responds to the part of your 3/12/18 e-mail below re off-site warehouse permits for alcohol storage on the second floor of the building of the Alaska Fish House/Alaska Fish House Wine & Spirits premises.

For Lic. No. 75, Ak Fish House Bev. Dispensary, attached are the two PDFs: 1) Completed off-site storage permit app. (signed original has been hand-delivered as noted below); and, 2) The two pg diagrams for that application;

Second, for Lic. No. 80, Ak Fish House Wine & Spirits Package Store, the parallel PDFs: 1) Completed storage permit app. form (also delivered as noted); and, 2) The two pg diagrams.

The PDFs attached have the storage premises outlined in red and the related bev. dispensary/package store premises outlined in blue. If these PDFs only are sufficient, great. But if it would help, we can provide hard copies with the color outlines.

Chuck is in Anchorage today and printed and signed the two app. forms and took them to the ABC offices. The office was closed for the meeting in Nome, but he put the two signed apps under the door in an envelope addressed to Sarah's attn.

If the unsigned app forms attached are opened, the info filled in may look odd on your screen due to the Adobe software, but should print out OK. And in any event, Chuck dropped off the signed app. forms.

Thanks and let us know if Q's, etc,

John Peterson

Ziegler Law Firm  
307 Bawden Street  
Ketchikan, Alaska 99901

**AMCO**  
**NOV 28 2018**



Desk (907) 225-9408  
Fax (907) 225-5513

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**From:** Oates, Sarah D (CED) [<mailto:sarah.oates@alaska.gov>]  
**Sent:** Monday, March 12, 2018 1:20 PM  
**To:** John Peterson  
**Cc:** Alcohol Licensing, CED ABC (CED sponsored); Chuck Slagle  
**Subject:** RE: Pkge Store Lic. No. 80: Slagle, LLC dba Alaska Fish House Wine & Spirits; Bev. Dispensary License No. 75: Slagle, LLC dba Alaska Fish House

Good afternoon, John and Chuck:

As we discussed earlier, please make the following changes to the premises diagrams you submitted with your AB-14:

- Remove the second-floor liquor storage area from the premises diagram entirely. Because individuals must leave the downstairs licensed premises area to access the upstairs space, and because a licensed premises must be contiguous, the upstairs area cannot be included in your licensed premises diagram. An off-site warehouse permit may be obtained to stock alcohol in the upstairs area, but submitting a complete copy of the attached application for each license, which would include a diagram of just the upstairs space. I have attached a copy of the form to this email. You do not need to complete this now, as the director has the authority to approve the requests. Please make sure you submit the completed forms two weeks or more before you plan to open.
- Include dimensions of at least the exterior walls of the premises.
- Include cross streets and/or external points of reference.

You do not need to resubmit the signature page of AB-14. We can accept scanned/emailed copies of the diagrams.

Once these relatively minor corrections have been made and sent to us, I will add your request to the April 3<sup>rd</sup> agenda.

In response to your questions from earlier emails:

- You do not need to show the collocated areas on the beverage dispensary diagram.
- A notary acknowledgement to the letter is not necessary.
- Although a regulation change was recently adopted by the ABC Board that will require a \$250 fee for requests to amend premises diagrams, the regulation is not yet in effect, so there is not a current fee for your request.
- We will send your request to the City of Ketchikan for consideration and sign-off.

I would like to again apologize for not responding to your earlier emails, and I thank you for your patience. It was very nice to personally meet you this morning, Chuck, and it was great to speak with you again, John.

Please let me know if you have any additional questions or concerns.

Best,

**Sarah Daulton Oates**

Program Coordinator  
Alcohol & Marijuana Control Office  
Phone: 907.269.0350  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)



Please consider the environment before printing this e-mail.

**From:** John Peterson <[jpeterson@kpunet.net](mailto:jpeterson@kpunet.net)>  
**Sent:** Friday, March 09, 2018 2:17 PM  
**To:** Oates, Sarah D (CED) <[sarah.oates@alaska.gov](mailto:sarah.oates@alaska.gov)>

AMCO

NOV 28 2018

.Cc: Alcohol Licensing, CED ABC (CED sponsored) <[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)>; Chuck Slagle <[ChuckS@baranof.net](mailto:ChuckS@baranof.net)>  
Subject: RE: Pkge Store Lic. No. 80: Slagle, LLC dba Alaska Fish House Wine & Spirits; Bev. Dispensary License No. 75: Slagle, LLC dba Alaska Fish House

Sarah et al., Chuck Slagle will be in Anchorage all next week. Having not heard back, and mindful of the March 16 submittal deadline, we finalized the documents included in draft with my e-mail last week, along with the other necessary items. Chuck has those executed documents with him.

If it would be helpful for you to meet w/ Chuck next week, please let us know a time and he can do that most any time. To reach Chuck, his cell is (907) 617-4877.

If we don't hear otherwise, he'll plan to bring the signed documents – transmittal/application letter, ABC forms, revised premises diagrams, etc – into the AMCO offices on Monday for filing.

We are, of course, more than willing to work on any changes, additional submittals, etc, that you feel are advisable.

Thanks, John Peterson

Ziegler Law Firm  
307 Bawden Street  
Ketchikan, Alaska 99901

Desk (907) 225-9408  
Fax (907) 225-5513

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**From:** John Peterson [<mailto:jpeterson@kpunet.net>]  
**Sent:** Friday, March 02, 2018 4:59 PM  
**To:** 'Oates, Sarah D (CED)'  
**Cc:** 'Alcohol Licensing, CED ABC (CED sponsored)'  
**Subject:** Pkge Store Lic. No. 80: Slagle, LLC dba Alaska Fish House Wine & Spirits; Bev. Dispensary License No. 75: Slagle, LLC dba Alaska Fish House

Sarah,

I realize this is a "next week" matter, but...

If permissible to do so, I'll attach drafts showing how Slagle, LLC proposes to "co-locate" the above package store premises within the premises where the company operates its Alaska Fish House restaurant, including the referenced beverage dispensary license.

I realize fully, you can't provide any official response unless/until we submit the full package, including the AB-14 Premises Diagram Change Forms, which we have ready to submit.

However, if appropriate to do so, we wanted to e-mail a couple key diagrams and the draft transmittal letter I planned to use to apply for the Board determination at its next meeting (April 3?) as required under AS 04.11.150 (f). I think that from those you can see generally how we propose to implement the co-location.

Again, this is not in the expectation of receiving any binding determination. But on the other hand, if anything jumps out as a deal-killer from the get-go, or that we could/should mitigate when we finalize our packet, that input would be appreciated.

The attachments are:

**AMCO**

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- 1) The proposed diagram for the co-located package store premises; (There will also be a premises change diagram and AB 14 form submitted for the Alaska Fish House bev. dispensary. That is due, at a minimum, to some unrelated changes, that is, changes to kitchen facilities for the "Cook Your Catch" station and change of an adjacent storage area into some seating; hence we need to revise the bev dispensary premises diagram in any event);
- 2) Our draft transmittal letter/application for Board approval;
- 3) "Diagram No. 3," a larger scale diagram, which is additional information submitted in support of our application; it shows the co-location area in better detail and there are red numbers (e.g., B3, B8, which show up better if the PDF is printed) for the coolers and display case discussed in the letter; we don't anticipate this being included in the formal premises diagrams that are approved; and,
- 4) Working diagram for the locking, glass-front display case where wine, beer and liquor items offered for sale can be displayed.

We do have three Q's:

A) When we finalize the premises diagram for the Alaska Fish House bev. dispensary, do we need to show the co-located premises within the beverage dispensary, which will constitute the co-located premises of the package store? My guess was, "Not so," because that diagram will just show the bev dispensary premises, which include the whole area where the package store will be co-located?;

B) Would it be helpful to add a notary acknowledgement to the signature page of the letter, so the application is, in effect, verified?

C) Is any filing fee or processing fee required? I see there's a \$250 fee for a business name change, but it didn't see anything on seeking approval to change premises; and,

D) Do I recall correctly that ABC staff will send our submittal to the local governing body?

We thank you for any.

JohnPeterson

Ziegler Law Firm  
307 Bawden Street  
Ketchikan, Alaska 99901

Desk (907) 225-9408  
Fax (907) 225-5513

AMCO

NOV 28 2018

## John Peterson

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**From:** Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>  
**Sent:** Wednesday, September 26, 2018 8:25 AM  
**To:** Chuck Slagle  
**Cc:** 'John Peterson'; Alcohol Licensing, CED ABC (CED sponsored)  
**Subject:** RE: #75 & #80 Approved Licensed Premises Changes  
**Attachments:** 75 Approved AB-14 .pdf

Good morning,

Please find the form attached. Not really sure what happened there with our scanner but it's fixed now.

Thank you for letting us know! Have a good day.

### Carrie Craig

Occupational Licensing Examiner  
State of Alaska DCCED  
Alcohol & Marijuana Control Office  
550 W 7<sup>th</sup> Ave, Ste. 1600  
Anchorage, AK 99501

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**From:** Chuck Slagle <chucks@baranof.net>  
**Sent:** Wednesday, September 26, 2018 6:29 AM  
**To:** Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>  
**Cc:** 'John Peterson' <jpeterson@kpunet.net>; Chuck Slagle <chucks@baranof.net>  
**Subject:** RE: #75 & #80 Approved Licensed Premises Changes

Good Morning,

Thank you for the update. The PDF of #75 came through blank. Could you please resend?

Thanks

Chuck Slagle  
Baranof Fishing  
[www.baranoffishing.com](http://www.baranoffishing.com)  
[www.alaskafishhouse.com](http://www.alaskafishhouse.com)  
Office 907-225-4055  
Cell 907-617-4877

"The cure for anything is salt water. Sweat, tears, or the sea" – Isak Dinesen

AMCO

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**From:** Alcohol Licensing, CED ABC (CED sponsored) <[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)>  
**Sent:** Friday, September 21, 2018 10:25 AM  
**To:** Chuck Slagle <[chucks@baranof.net](mailto:chucks@baranof.net)>  
**Cc:** Alcohol Licensing, CED ABC (CED sponsored) <[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)>  
**Subject:** #75 & #80 Approved Licensed Premises Changes

Good morning,

Please find the approved AB-14 Licensed Premises Diagram Change forms attached for licenses #75 & #80.

Thank you,

**Carrie Craig**  
Occupational Licensing Examiner  
State of Alaska DCCED  
Alcohol & Marijuana Control Office  
550 W 7<sup>th</sup> Ave, Ste. 1600  
Anchorage, AK 99501

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